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INFO AMEMBASSY NAIROBI
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C O N F I D E N T I A L SECTION 01 OF 05 KINSHASA 001281

PARIS FOR MORAN, BRUSSELS FOR DUBROW

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PAGE 02 KINSHA 01281 01 OF 05 081659Z
TAGS: PGOV, PREF, PHUM, CG

SUBJECT: ETHNIC TENSIONS SIMMER IN EASTERN ZAIRE

REF: (A) KINSHASA 856, (B) 94 KINSHASA 6847 (C) 94
KINSHASA 3665

1. CONFIDENTIAL - ENTIRE TEXT.

2. SUMMARY: LONGSTANDING ETHNIC CONFLICTS BETWEEN THE DESCENDENTS OF RWANDAN IMMIGRANTS IN EASTERN ZAIRE AND "INDIGENOUS" TRIBES CONTINUE TO PROVOKE SPORADIC OUTBREAKS OF VIOLENCE THROUGHOUT THE REMOTE INTERIOR OF ZAIRE'S NORTH KIVU PROVINCE. THE 1994 INFLOW OF A MILLION RWANDAN HUTU REFUGEES INTO THE CAMPS AROUND GOMA, NORTH KIVU'S PROVINCIAL CAPITAL, HAS AGGRAVATED LOCAL SENSITIVITIES ABOUT AN EMERGING BANYARWANDA MAJORITY; THE INFUX OF DEFEATED RWANDAN TROOPS AND MILITIAMEN, AND THEIR ARMS INTO THE REGION MAY ALSO HAVE FUELED THE FLARE-UP OF FIGHTING IN LATE 1994. SINCE THE 1993 "LITTLE WAR," THE FIGHTING HAS DEGENERATED FROM A LOCALIZED BUT INTENSE ETHNIC WARFARE, INTO ETHNIC BANDITRY THAT HAS BECOME GENERALIZED THROUGHOUT THE PROVINCE. ZAIRIAN TROOPS SENT INTO THE REGION REDUCED THE CASUALTY RATE, BUT IMPOSED NEW BURDENS ON THE CIVILIAN POPULATION. A TANGLE OF CONTRADICTORY LAWS DEFINING THE BANYARWANDA'S STATUS AS ZAIRIAN CITIZENS AND POTENTIAL OTHERS WILL NONTHELESS KEEP TENSIONS HIGH AS ELECTIONS NEAR, EVEN THOUGH AN INFUX OF GOVERNMENT TROOPS HAS MORE OR LESS QUELLED MUCH OF THE FIGHTING FOR NOW. END SUMMARY.

FROM ANCIENT GRUDGE . . .

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3. LONG BEFORE THE MASSIVE INFLOW OF RWANDAN REFUGEES IN 1994, RWANDAN IMMIGRANTS AND THEIR DESCENDENTS, KNOWN LOCALLY AS THE "BANYARWANDA," WERE AN IMPORTANT COMPONENT IN THE ETHNIC MAKEUP IN THE EASTERN PROVINCES OF NORTH KIVU AND SOUTH KIVU. SOME BANYARWANDA ACTIVISTS MAINTAIN THAT HUTU AND TUTSI FAMILIES HAVE BEEN ESTABLISHED IN ZAIRE FOR SEVEN OR EIGHT GENERATIONS, ALTHOUGH THESE CLAIMS MAY BE IMPOSSIBLE TO DOCUMENT. BELGIAN COLONIZERS FIRST ENCOURAGED BANYARWANDA FROM BOTH THE TUTSI AND THE HUTU ETHNIC GROUPS

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TO IMMIGRATE TO WHAT IS NOW ZAIRIAN ~~INFORMATION UNCLASSIFIED~~ IN THE CENTURY. A SECOND WAVE OF IMMIGRANTS ARRIVED IN THE LATE 1950S AND EARLY 1960S. ALTHOUGH ZAIRE HAS NOT HAD A CENSUS FOR DECADES, OBSERVERS FAMILIAR WITH NORTH KIVU BELIEVE THE BANYARWANDA HAVE BECOME THE MAJORITY IN SOME PARTS OF THE PROVINCE, PARTICULARLY IN THE AREA WEST OF THE PROVINCIAL CAPITAL GOMA. THIS TERRITORY, ROUGHLY DEFINED BY THE SAKE - MASISI - WALIKALE ROAD, TRADITIONALLY BELONGED TO THE INDIGENOUS HUNDE TRIBE. (REFUGEE CAMPS FOR THE 1994 ARRIVALS FROM RWANDA ARE ALL LOCATED EAST OF SAKE.) THE EARLIER ARRIVALS FROM RWANDA, HOWEVER, ARE ESTABLISHED THROUGHOUT NORTH KIVU AND PARTS OF NEIGHBORING SOUTH KIVU PROVINCE.

4. THE BANYARWANDA PRESENCE HAS AGGRAVATED THE INTENSE COMPETITION FOR LAND, RESOURCES, AND POLITICAL MAJORITIES IN NORTH KIVU PROVINCE. (FOR ADDITIONAL BACKGROUND ON THE CONFLICT, SEE REFTELS B AND C.) NORTH KIVU'S FERTILE VOLCANIC SOIL SUPPORTS MANY PROFITABLE PLANTATIONS PRODUCING COFFEE, DAIRY PRODUCTS, AND FRESH PRODUCE FOR COMMERCIAL MARKETS. HOWEVER, THE EXPANSION OF COMMERCIAL FARMING UNDERMINED TRADITIONAL FEUDAL SYSTEMS OF LAND TENURE IN

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PAGE 04 KINSHA 01281 01 OF 05 081659Z WHICH FARMERS PAID TRIBUTE TO A LOCAL CHIEF FOR THE USE OF HIS ANCESTRAL LANDS. THE ENTREPRENEURIAL BANYARWANDA INCREASED TENSIONS WITH THEIR LAND PURCHASES WHICH WERE DULY REGISTERED WITH THE LOCAL GOVERNMENT BUT NOT ALWAYS RECOGNIZED BY THE INDIGENOUS CHIEFS WHO STILL EXPECTED THEIR TRIBUTE. AS THE BANYARWANDA POPULATION INCREASED, ITS SPOKESMEN IN THE UNIVERSITIES AND IN SMALL LOCAL POLITICAL PARTIES SUCH AS MAGRAVI AND PANADI BEGAN TO SUGGEST THAT THE ANYARWANDA CEASE MAKING TIBUTE PAYMENTS ALTOGETHER. THE GROWTH OF THE BAYARWANDA POPULATION ALSO THREATENED THE CHIEFS' ABILITY TO DELIVER AN ELECTORAL MAJORITY IN ANY FUTURE ELECTIONS -- SUCH AS THOSE PROJECTED FOR 1995 -- AND TO LAY CLAIM TO BENEFITS SUCH AS GOVERNMENT JOBS FOR MEMBERS OF THEIR RESPECTIVE TRIBES. TENSIONS WITH THE BANYARWANDA AND CHALLENGES TO THEIR STATUS AS ZAIRIANS WERE ALREADY EVIDENT AT THE TIME OF THE 1991-92 SOVEREIGN NATIONAL CONFERENCE (CNS). ACCORDING TO THE (ADMITTEDLY SELF-INTERESTED) ACCOUNT OF THE PANADI PARTY, BANYARWANDA HUTU DELEGATES TO THE CNS FIRST JOINED FORCES WITH THE

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DELEGATES OF THE "INDIGENOUS" TRIBES ~~UNCLASSIFIED~~ TO SHUT
THE BANYARWANDA TUTSIS OUT OF THE CNS -- ONLY TO HAVE THE
"INDIGENOUS" DELEGATES CHALLENGE THE CREDENTIALS OF THE
BANYARWANDA HUTUS AS WELL.

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5. THE CONFLICT TURNED VIOLENT FOR FOUR MONTHS IN 1993, WHEN HUNDE CHIEFS REPORTEDLY INSTIGATED VILLAGERS TO ATTACK AND MASSACRE THE BANYARWANDA, WHO PROMPTLY RETALIATED IN KIND. FROM LATE MARCH UNTIL JULY, WHEN THE GOZ FINALLY SENT ELITE TROOPS FROM THE SPECIAL PRESIDENTIAL DIVISION (DSP) TO QUELL THE CONFLICT, SOME 6,000 PEOPLE WERE KILLED, 230,000 DISPLACED, AND MANY VILLAGES BURNED, PARTICULARLY IN THE AREA BETWEEN MASISI AND WALIKALE. IN THE AFTERMATH OF THAT CONFLICT, THE GOZ REMOVED THE GOVERNOR, REPLACING HIM WITH AN INTERIM GOVERNOR, MOTO MUPENDA, WHO REMAINS IN OFFICE TODAY. MANY OF THE CUSTOMARY CHIEFS WHO HAD WAITED OUT THE CONFLICT IN GOMA WERE NOT ALLOWED TO RETURN TO THEIR TRADITIONAL DOMAINS. LOCAL NGOS, TOGETHER WITH THE LOCAL, BANYARWANDA-DOMINATED CATHOLIC CLERGY, SET UP A SERIES OF "PEACE TALKS" IN VILLAGES OF THE CONFLICT ZONE.

. . . TO NEW MUTINY

6. CALM WAS BEGINNING TO RETURN BY JUNE, 1994, AND PEOPLE DISPLACED IN THE PREVIOUS YEAR'S CONFLICT STARTED TO TRICKLE BACK TO THEIR HOMES. THEN, IN JULY, 1.1 MILLION NEW RWANDAN REFUGEES, INCLUDING THE REMNANTS OF OF INTERHAMWE MILITIAS AND THE FAR, POURED INTO NORTH KIVU IN JUST FIVE DAYS. FOR THE MOST PART, THE NEW ARRIVALS REMAINED CONFINED TO REFUGEE CAMPS ALONG NORTH KIVU'S FEW KILOMETERS OF GOOD ROAD TO THE

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NORTH AND WEST OF GOMA. THIS AREA ~~UNCLASSIFIED~~
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AFFECTED BY THE ETHNIC CONFLICTS AS THE MORE REMOTE VILLAGES
IN THE INTERIOR. NONTHELESS, THE INFLOW OF SO MANY
RWANDANS INTO AN AREA ALREADY SENSITIVE ABOUT A PRESUMED
BANYARWANDA MAJORITY WAS INEVITABLY DESTABILIZING. WITHIN
THE FIRST MONTH OF THE REFUGEE CRISIS, GOVERNMENT LEADERS AT
BOTH THE PROVINCIAL AND NATIONAL LEVELS WERE SAYING THAT THE
PRESUMED DIFFICULTIES OF SEPARATING RWANDAN
EWCOMERS FROM ELIGIBLE ZAIRIAN VOTERS WOULD DELAY ZAIRE'S
FIRST MULTIPARTY ELECTIONS SCHEDULED FOR JULY 1995.

7. ON A MORE IMMEDIATE LEVEL, THE REFUGEE INFLOW INTRODUCED
WEAPONS AND POSSIBLY NEW FIGHTERS INTO THE CONFLICT.
ZAIRIAN TROOPS CONFISCATED WEAPONS FROM THE FAR AND THE
MILITIAS AS THEY CROSSED THE BORDER. NONTHELESS, EVEN
INTERIM GOVERNOR MOTO MUPENDA ESTIMATED THAT 10 PERCENT OF
THE FAR'S WEAPONS HAD ESCAPED CONFISCATION IN THE CONFUSION
OF THE FAR'S RETREAT INTO ZAIRE. THE CONFISCATED WEAPONS
THEMSELVES, SUPPOSEDLY UNDER CLOSE GUARD, WOULD SEEM TO
REPRESENT A TEMPTING RESOURCE TO THE UNPAID, UNDISCIPLINED
AND HUNGRY LOCAL CONTINGENTS OF THE FAZ AND THE PROVINCIAL
GOVERNMENT. ACCORDING TO A MEMBER OF A MEDICAL NGO WITH
LONG EXPERIENCE IN THE AREA, ELEMENTS OF THE FAZ ARE RUNNING
CONFISCATED GUNS TO THE HUNDE BANDITS IN THE INTERIOR. AS
FOR THE BANYARWANDA HUTU BANDITS, THEY HAVE RECEIVED SOME
MEASURE OF SUPPORT FROM THEIR ETHNIC KINSMEN IN THE DEFEATED
RWANDAN ARMED FORCES. COMMUNITY LEADERS, AND
REPRESENTATIVES OF NGOS ACTIVE IN THE AREA ALL HAVE WIDELY
DIFFERING THEORIES OF WHERE THE EX-FAR TROOPS ARE NOW AND
WHAT THEY ARE UP TO (SEE REFTEL A). THERE IS GENERAL
AGREEMENT ON ONLY ONE POINT: THAT SOME OF THE FORMER
SOLDIERS AND MILLITIAMEN HAVE JOINED WITH BANYARWANDA HUTU
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ANDITS IN THE REMOTE AREAS OF THE PROVINCE, SOMETIMES
BRINGING THEIR WEAPONS WITH THEM.

FROM "LITTLE WAR" TO FEUDING BANDITS

8. INTERETHNIC ATTACKS, AFFECTING ALMOST ALL PARTS OF NORTH KIVU PROVINCE, BROKE OUT AGAIN IN THE LATTER HALF OF 1994. 100 PEOPLE WERE KILLED IN ONE WEEK IN OCTOBER IN THE REGION JUST TO THE EAST OF MASISI. VILLAGES AND HAMLETS THROUGHOUT THE PROVINCE CONTINUE TO SUFFER SMALL-SCALE ATTACKS AND CATTLE RAIDS IN WHICH VILLAGERS HAVE BEEN KILLED AND HOUSES BURNED. AN OXFAM REPRESENTATIVE ESTIMATES THAT ABOUT 75,000 PEOPLE HAVE BEEN DISPLACED SINCE THE HOSTILITIES RE-IGNITED IN 1994. THERE ARE NO RELIABLE STATISTICS, BUT IT APPEARS THAT SEVERAL HUNDRED HAVE BEEN KILLED, A DOZEN OR SO AT A TIME. IN RECENT WEEKS THE CONFLICT HAS SPREAD TO THE AREA ON THE NORTHWEST EDGE OF LAKE KIVU, WHERE THE HERETOFORE NON-BELLIGERENT TEMBO TRIBE IS FACING OFF AGAINST THE BANYARWANDA. SPORADIC ATTACKS HAVE ALSO OCCURRED IN THE AREAS DOMINATED BY THE NANDE TRIBE IN THE NORTH OF THE PROVINCE, IN THE VICINITY OF RUTSHURU, MWESO AND BIBWE.

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9. THIS NEW INTERETHNIC CONFLICT DIFFERS FROM THE 1993 "LITTLE WAR" IN SEVERAL IMPORTANT RESPECTS. IN 1993, ANYARWANDA HUTUS AND TUTSIS JOINED FORCES AGAINST THE "INDIGENOUS" TRIBES; SINCE THE INFLUX OF THE RWANDAN HUTU REFUGEES, EX-FAR AND MILITIAS IN MID-1994, BANYARWANDA TUTSIS, MANY OF THEM LONG-TIME RESIDENTS OF ZAIRE, HAVE BEEN

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FLEEING THE PERVERSIVE ATMOSPHERE OF UNCLASSIFIED KIVU AND RETURNING TO RWANDA. MANY HAVE SOLD THEIR GOODS AT FIRESALE PRICES AND RETURNED TO THE NOW MORE HOSPITABLE TERRITORY OF RWANDA. THE 1993 CONFLICT PITTED VILLAGERS AGAINST VILLAGERS: MEN, WOMEN AND CHILDREN MASSACRED EACH OTHER INDISCRIMINATELY UNDER THE LEADERSHIP OF THEIR CUSTOMARY CHIEFS. TODAY, FEW OF THE TRADITIONAL LEADERS ARE IN CONTROL IN COMMUNITIES OF THE INTERIOR. MANY CUSTOMARY CHIEFS ARE STILL IN GOMA, AND HAVE NOT RETURNED TO THEIR LANDS. EVEN THE CHURCH IS NO LONGER IN A POSITION TO MEDIATE. BANYARWANDA TUTSIS HAVE LONG BEEN PREDOMINATE IN THE LOCAL CLERGY, AND MANY PRIESTS HAVE ABANDONED THEIR PARISHES TO JOIN THE TUTSI EXODUS. THE NEW CONFLICT APPEARS TO BE LED, NOT BY THE CHIEFS, BUT BY GROUPS OF BANDITS, THE MOST NOTORIOUS BEING ONE "GENERAL TABU," LEADER OF A HUNDE BAND, AND "MAYANGA," WHO HEADS A GROUP OF BANYARWANDA HUTUS. (BOTH NAMES ARE SPELLED PHONETICALLY). WHERE THE 1993 CONFLICT PITTED WHOLE VILLAGES AGAINST EACH OTHER, THE 1994 CONFLICT IS FUELED MAINLY BY YOUNG MEN WHO LEAVE THEIR VILLAGES TO JOIN BANDIT GROUPS IN THE HILLS. REPORTEDLY, THESE YOUNG MEN ARE MOTIVATED PARTIALLY BY THE OPPORTUNITY TO STRIKE A BLOW FOR THEIR RESPECTIVE ETHNIC GROUPS, BUT MOSTLY

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BY A CHANCE TO STEAL FROM THEIR NEIGHBORS. IN CONTRAST WITH 1993, THE SECOND PHASE OF THE CONFLICT HAS BECOME LESS INTENSE AND MORE GEOGRAPHICALLY DISPERSED; MORE ANARCHIC AND HARDER TO MEDIATE.

CRACKDOWN . . .

10. AS THEY DID IN 1993, THE GOZ LAUNCHED A MILITARY CRACKDOWN SOMETIME AFTER IT BECAME EVIDENT THAT THE VIOLENCE WAS GETTING OUT OF HAND. IN DECEMBER, THE GOZ SENT CONTINGENTS OF DSP, CIVIL GUARD, AND GENDARMES TO THE CONFLICT AREAS. ACCORDING TO REPRESENTATIVES OF NGOS ACTIVE IN THE INTERIOR OF THE PROVINCE, THE LEVEL OF VIOLENCE HAS DECLINED NOTICEABLY FROM THE HIGHS OF OCTOBER AND NOVEMBER. SEVERAL OF THESE OBSERVERS BELIEVE THE BANDITS HAVE NOW BEEN FORCED TO RETREAT INTO THE MOST REMOTE MOUNTAIN AREAS. LOCAL POPULATIONS APPEAR LESS INCLINED TO SUPPORT THEM SINCE

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JANUARY, WHEN THE FAZ BURNED FIVE VILLAGES AND THEIR RESIDENTS
HAD SHELTERED BANDITS. (THE CRACKDOWN EXTENDED TO THE
PROVINCIAL CAPITAL OF GOMA, WHERE THE ETHNIC CONFLICT IS
LESS PRONOUNCED, BUT WHERE GANGS OF ARMED ROBBERS HAVE SOWN
AYHEM. ACCORDING TO A ZAIRIAN COMMUNITY LEADER, THE FAZ
WENT HOUSE TO HOUSE TO SEARCH FOR WEAPONS IN GOMA, SPARING
ONLY THE ONE GANG UNDER THE SPECIAL PROTECTION OF THE LOCAL
GENERAL.) REFUGEES WHO ARRIVED IN 1994 WERE OBLIGED TO GO
LIVE IN THE CAMPS, REDUCING THE PRESSURE ON THE CONFLICT
AREAS. SOURCES SAID THAT THE HUTU BANDIT CHIEF MAYANGA WAS
ARRESTED THE FIRST WEEK OF FEBRUARY, REPORTEDLY WITH THE
COLLABORATION OF BANYARWANDA TUTSIS. AS OF THE THIRD WEEK
OF FEBRUARY, HE WAS STILL UNDER ARREST.

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. . . A LA ZAIROISE

11. THAT LAST DETAIL IS IMPORTANT, BECAUSE THE DESCRIPTIONS
INDICATE THAT THE CRACKDOWN, WHILE VISIBLY EFFECTIVE, IS
NONETHELESS HOBBLED BY THE USUAL PROBLEMS OF MILITARY
INDISCIPLINE AND AVARICE. THE LOCAL ICRC REPRESENTATIVE
REPORTED THAT THE HUNDE BANDIT CHIEF TABU HAS BEEN ARRESTED
FOUR TIMES IN THE SPACE OF A YEAR, AND EACH TIME HE HAS BEEN
RELEASED -- FOR A PRICE. MEANWHILE, BACK IN THE INTERIOR,
SOLDIERS WHO CAME TO PROTECT A PRESUMABLY GRATEFUL
POPULATION FROM BANDIT RAIDS ARE NOW SETTLING IN, AND HAVE
LITTLE CHOICE BUT TO LIVE OFF THE PEOPLE THEY CAME TO
PROTECT. LIKE THEIR COUNTERPARTS THROUGHOUT ZAIRE, THE NORTH
IVU MILITARY IS UNPAID FOR MONTHS AT A TIME. ONE ZAIRIAN
COMMUNITY LEADER ESTIMATED THAT A MILITARY UNIT TYPICALLY
EATS ONE COW EVERY THREE OR FOUR DAYS, IMPOSING A HEAVY
BURDEN ON IMPOVERISHED MOUNTAIN HAMLETS. SOLDIERS ARE ALSO
ACCUSED OF COLLECTING "TAXES" FROM DEPARTING BANYARWANDA
TUTSIS AND OTHER TRAVELERS.

12. INTERIM GOVERNOR MOTO MUPENDA APPEARS TO BE TRYING TO

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RESOLVE THE CONFLICT, BUT ZAIRIANS AND RESIDENT FOREIGNERS ALIKE ALL DISMISS HIM AS WEAK AND INEFFECTIVE. HIS CONTINUING STATUS AS A MERE INTERIM GOVERNOR AFTER NEARLY TWO YEARS IS WIDELY INTERPRETED AS A VOTE OF NO CONFIDENCE FROM THE CENTRAL GOVERNMENT. MOTO, A MEMBER OF THE REGA TRIBE FROM WALIKALE, NONETHELESS HAS MADE SOME CONCILIATORY MOVES. (THIS IS SURPRISING, GIVEN THE STATEMENTS MOTO MADE IN A NOVEMBER INTERVIEW, WHEN HE SUGGESTED THAT NORTH KIVU'S PROBLEMS COULD BE SOLVED BY THE RETURN OF ALL RWANDANS, INCLUDING THE PRE-1994 ARRIVALS TO RWANDA.) MOTO REPORTEDLY FIRED THE ZONE COMISSAIRE OF LUBERO BECAUSE THAT LOCAL ADMINISTRATOR HAD BEEN INCITING THE TWA (PYGMY) TRIBE AGAINST THE BANYARWANDA. HE HAS REINSTALLED A FEW OF THE CUSTOMARY CHIEFS IN THEIR TRADITIONAL LANDS, BUT ONLY AFTER PRESSURING THEM TO RECONCILE WITH THE BANYARWANDA. IN FEBRUARY, HE NEGOTIATED WITH LOCAL VILLAGERS TO TAKE BACK A GROUP OF SOME 5,000 DISPLACED BANYARWANDA WHO HAD FOUND REFUGE IN RUTSHURU -- AFTER HE HAD DETERMINED THAT THESE BANYARWANDA WERE, IN FACT, "REAL ZAIRIANS."

FROM ETHNIC BANDITRY TO ETHNIC POLITICS?

13. THE NATIONALITY ISSUE ENSURES THAT THE ETHNIC CONFLICT WILL CONTINUE TO SIMMER, ESPECIALLY WITH ZAIRE'S FIRST EVER MULTI-PARTY ELECTIONS SCHEDULED (IN THEORY) FOR JULY. WHILE THE CURRENT LOW-LEVEL CONFLICT AFFECTS MOSTLY RURAL PEOPLE IN THE REMOTE INTERIOR, ELECTION FEVER WILL TEND TO INVOLVE

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MORE OF THE INFLUENTIAL URBAN POLITICIANS. IF THE LONGTERM BANYARWANDA RESIDENTS OF NORTH KIVU ARE IN FACT DETERMINED TO BE ACCEPTED AS ZAIRIANS, THEY WILL PRESUMABLY FORM A POWERFUL VOTING BLOCK, GIVING LOCAL BANYARWANDA LEADERS CLOUD IN DEMANDING GOVERNMENT JOBS AND ECONOMIC FAVORS. IF THE BANYARWANDA ARE NOT ACCEPTED AS ZAIRIANS, THEN THE LEADERS OF THE LARGER "INDIGENOUS" TRIBES BECOME THE LOCAL POWER BROKERS, AND CAN LAY CLAIM TO THE ASSOCIATED BENEFITS.

14. ZAIRIAN NATIONALITY LAW IS, UNFORTUNATELY, SUFFICIENTLY VAGUE TO SUPPORT A MULTIPICITY OF SELF-SERVING AND CONTRADICTORY ARGUMENTS ABOUT THE CITIZENSHIP STATUS OF THE ANYARWANDA. ALL OF ZAIRE'S VARIOUS CONSTITUTIONS AND LAWS ON NATIONALITY HAVE STATED THAT ZAIRIAN CITIZENSHIP IS "SOLE AND EXCLUSIVE" AND CANNOT BE HELD CONCURRENTLY WITH ANY OTHER CITIZENSHIP (SUCH AS, FOR EXAMPLE, RWANDAN.) THE 1964 CONSTITUTION GRANTS ZAIRIAN CITIZENSHIP TO ALL PEOPLE "DESCENDED FROM TRIBES OR PARTS OF TRIBES THAT WERE ESTABLISHED" IN ZAIRIAN TERRITORY PRIOR TO 1908, A PROVISION THAT WOULD SEEM TO INCLUDE THE BANYARWANDA, WHOSE ANCESTORS BEGAN ARRIVING LATE IN THE LAST CENTURY. A 1970 ORDINANCE OF THE THEN-RULING MPR POLIBURU SPECIFICALLY EXTENDED ZAIRIAN CITIZENSHIP TO ALL KINYARWANDA SPEAKERS WHO LIVED IN ZAIRE BEFORE INDEPENDENCE IN 1960, AND TO THEIR DESCENDENTS. (THIS PROVISION WOULD INCLUDE THE MAJORITY OF NORTH KIVU'S PRE-1994 BANYARWANDA.) THESE PROVISIONS WERE SUPERSEDED BY THE MUCH MORE RESTRICTIVE 1981 NATIONALITY LAW, WHICH LIMITS ZAIRIAN CITIZENSHIP TO DESCENDENTS "OF THOSE TRIBES ESTABLISHED ON THE TERRITORY" OF ZAIRE PRIOR TO 1885; WHICH WOULD SEEM TO EXCLUDE THE BANYARWANDA, WHO DID NOT BEGIN TO ARRIVE IN SIGNIFICANT NUMBERS UNTIL SEVERAL

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YEARS LATER. (THE 1981 LAW PROVIDES FOR INDIVIDUAL RESIDENTS OF ZAIRE AND THEIR CHILDREN TO APPLY FOR CITIZENSHIP, BUT IT IS IMPROBABLE THAT ANY SIGNIFICANT NUMBER OF THE BANYARWANDA, WHO ARE MOSTLY SMALL FARMERS, WILL HAVE GONE THROUGH THE THIRTY YEAR PROCEDURE REQUIRED FOR FULL CITIZENSHIP.) THE CNS DRAFT CONSTITUTION, WHICH

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NEVER ENTERED INTO FORCE, REPEATS THE RECLASSIFIED PROVISIONS OF THE 1981 LAW: THE CURRENT TRANSITION ACT STATES ONLY THAT ZAIRIAN CITIZENSHIP IS SOLE AND EXCLUSIVE AND REGULATED BY LAW.

15. MORE DAMAGING THAN THE CONFUSING NETWORK OF LAWS IS THE APPARENTLY WIDESPREAD POPULAR BELIEF THAT POWERFUL PROVINCIAL AND NATIONAL POLITICIANS WILL MANIPULATE THE CITIZENSHIP ISSUE TO SUIT THEIR OWN INTERESTS. (THIS BELIEF IS FUELED BY THE POSSIBLY OVERSIMPLIFIED ASSUMPTION THAT THE BANYARWANDA ARE MOBUTU SUPPORTERS.) USING THIS LOGIC, ONE GOMA COMMUNITY LEADER COULD ARGUE THAT LIFELONG BANYARWANDA RESIDENTS OF ZAIRE WERE NOT CITIZENS AND HAD NO VOTING RIGHTS IN THE UPCOMING ELECTIONS, EVEN THOUGH THEY HELD ZAIRIAN NATIONAL ID CARDS, PASSPORTS AND SCHOOL REGISTRATION RECORDS FROM ZAIRE, OR EVEN IF THEY HAD VOTED IN PREVIOUS SINGLE-PARTY ELECTIONS. "ANYBODY CAN BUY DOCUMENTS FROM

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ACTION AF-01

INFO	LOG-00	AID-01	CIAE-00	SMEC-00	INL-02	OASY-00	DODE-00
	DOEE-00	EB-01	EUR-01	OIGO-01	H-01	TEDE-00	INR-00
	IO-10	LAB-01	L-01	ADS-00	M-00	NSAE-00	NSCE-00
	OIC-02	OMB-01	PA-01	PM-00	PRS-01	P-01	SP-00
	SR-00	SS-00	STR-01	TRSE-00	T-00	USIE-00	PMB-00

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R 081659Z MAR 95
FM AMEMBASSY KINSHASA
TO SECSTATE WASHDC 0380
INFO AMEMBASSY NAIROBI
AMEMBASSY BRUSSELS
AMEMBASSY PARIS
AMEMBASSY BUJUMBURA
AMEMBASSY BRAZZAVILLE
AMEMBASSY ADDIS ABABA
USMISSION GENEVA
AMEMBASSY KAMPALA
AMEMBASSY DAR ES SALAAM
AMEMBASSY KIGALI
USMISSION USUN NEW YORK

C O N F I D E N T I A L SECTION 05 OF 05 KINSHASA 001281

PARIS FOR MORAN, BRUSSELS FOR DUBROW

E.O. 12356: DECL: OADR

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TAGS: PGOV, PREF, PHUM, CG

SUBJECT: ETHNIC TENSIONS SIMMER IN EASTERN ZAIRE

POWERFUL INTERESTS," HE SAID, "THAT DOESN'T MAKE ONE A ZAIRIAN WHO CAN VOTE IN THE ELECTIONS." EVEN THE 1994 REFUGEES, WHO WOULD SEEM TO BE INDISPUTABLY RWANDANS ARE SEEN TO POSE A PROBLEM BY ZAIRIAN POLITICIANS UP TO AND INCLUDING THE PRIME MINISTER. IT IS ARGUED (PRIVATELY) THAT EVEN THESE NEW ARRIVALS, HUDDLED IN THE MISERY OF THE CAMPS, ARGUING ABOUT RWANDAN POLITICS AND GAZING HOMeward TO WANDA, COULD BECOME ZAIRIAN VOTERS IF SOMEBODY SUFFICIENTLY POWERFUL WANTED THEM TO BE. FOR THIS REASON, MANY ZAIRIAN POLITICIANS WHOLEHEARTEDLY SUPPORTED THE RECENT UNHCR EFFORTS TO REGISTER THE RWANDA REFUGEES IN THE CAMPS.

16. COMMENT: THE SITUATION IN NORTH KIVU PROVIDES ONE MORE ARGUMENT FOR THE RAPID, COMPLETE REPATRIATION OF THE 1994

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RWANDAN REFUGEES. THERE IS SIMPLY NO ROOM FOR THEM IN
EASTERN ZAIRE -- GEOGRAPHICALLY, ECONOMICALLY OR
POLITICALLY. AS TO THESE REFUGEES' ETHNIC KINSMEN, THE
LONGTIME BANYARWANDA RESIDENTS OF ZAIRE, THE OUTLOOK
UNFORTUNATELY FAVORS A PROLONGED CONFLICT WITH THEIR
NEIGHBORS IN ZAIRE. FOR MOST BANYARWANDA, PARTICULARLY THE
HUTU, A RETURN TO ANCESTRAL HOMELANDS IN RWANDA IS NOT NOW A
REALISTIC OPTION. EVIDENCE SUGGESTS THAT TOO MANY POLITICAL
AND ECONOMIC LEADERS IN NORTH KIVU WILL HAVE AN INTEREST IN
MANIPULATING ETHNIC CONFLICT. EVIDENCE ALSO SUGGESTS THAT
THE STATE, FOR ALL ITS SPORADIC GOOD-FAITH EFFORTS TO
MAINTAIN ORDER, IS TOO WEAK TO DO SO. ETHNIC CONFLICT,
ESPECIALLY IN THE GUISE OF BANDITRY, WILL LIKELY REMAIN A
PERSISTENT FACT OF LIFE AND POLITICS IN NORTH KIVU. END
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COMMENT.

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